

FARAD CONTINUATION SHEET  
IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.227 OF 2007  
IN  
CRIMINAL APPEAL NO.371 OF 2006

[Dhanesh H. Ghadiali & Anr. Vs. State & Anr.]

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Office Notes, office : Court's or Judge's orders  
Memoranda of Coram, :  
appearances, Court's :  
orders or directions :  
and Registrar's orders :  
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Mr.P.R.Pandey, Adv. for the  
Petitioners.  
Mr.Rajesh More, APP, for the State.  
Mr.S.P.Munghave, Adv. for Respondent  
No.2.

**CORAM** : SMT.V.K.TAHILRAMANI, J.

**DATED** : 25th June, 2007.

**P.C.** :-

1. Heard the learned Advocate for the petitioners-orig. accused, the learned Advocate for respondent No.2-orig.complainant and the learned APP for the State.

2. The petitioners have been convicted under Section 138 of N.I.Act by the learned Metropolitan Magistrate, 31st Court, Vikroli in R.C.C.No.450 of 2004. By the said

judgment and order, the petitioners were directed to pay an amount of Rs.5,00,000/-. Being aggrieved thereby, the petitioners preferred Criminal Appeal No.371 of 2006 before the Additional Sessions Judge, Greater Bombay. While admitting the Appeal, the learned Sessions Judge directed the petitioners to deposit an amount of Rs.1,00,000/- by order dated 11.5.2006. Thereafter the petitioners sought modification of the said order. Thereafter the amount came to be reduced to Rs.60,000/-. The said amount was to be paid on or before 15.5.2007.

3. The petitioners have now preferred this Revision contending that on account of their financial condition and illness of petitioner No.1, the petitioners are unable to deposit the said amount of Rs.60,000/- and hence the petitioner prays that the condition of depositing Rs.60,000/- which has been imposed by the Sessions

Court to hear the Appeal be deleted.

4. It is seen that the learned Magistrate had directed the petitioner to deposit an amount of Rs.5,00,000/-. However, the learned Sessions Judge had initially directed the petitioner to deposit only Rs.1,00,000/-. Thereafter that order was also modified and the amount of Rs.1,00,000/- was reduced to Rs.60,000/-. I see no reason to delete the said condition. The order passed by the learned Sessions Judge is legal, proper and correct. No interference is called for. However, on request of learned Advocate for the petitioners, I am inclined to grant time upto 12th July, 2007 to deposit the said amount of Rs.60,000/- before the Sessions Court.

5. Revision Application is disposed of accordingly.

[SMT.V.K.TAHILRAMANI, J.]